IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.47612 of 2008
DEVENDRA PANDEY @ MITAR PANDEY SON OF TEKA PANDEY
RESIDENT OF VILLAGE PANDEY TOLI,SHERGHATI,P.S.SHERGHATI,DISTT.GAYA
Versus
STATE OF BIHAR

2/ 16.12.2008 Heard learned counsel for the parties.

The petitioner is an accused of a case which has been registered for offences under Sections 302/34 of the Indian Pena Code against 3-4 staff of Raj Hall Cinema, Sherghati, Gaya.

The informant had been to see a film along with his brother Upendra Kumar alias Chhotu Chaudhary. His brother had some altercation with the cinema hall staff and he was assaulted for that. The informant went to village Hamzapur to inform about the occurrence and when he returned, he saw the dead body of his brother lying in front of the gate of Cinema Hall.

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Submission is that the allegation of assault is not corroborated during medical examination of the deceased. The deceased was having only abrasions and fracture of rib which may be on account of falling on a hard surface. Further submission is that the learned Additional Sessions Judge has discussed the entire case diary and according to his discussion, it appears that only hearsay witnesses are available in the case.

Considering the facts and circumstances of the case, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Subdivisional Judicial Magistrate,

Sherghati in Sherghati P.S. Case No. 192 of 2008.

Tahir/- **(Shyam Kishore Sharma, J.)**

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